

108TH CONGRESS  
1ST SESSION

# S. 1955

To make technical corrections to laws relating to Native Americans, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 25, 2003

Mr. CAMPBELL introduced the following bill; which was read twice and  
referred to the Committee on Indian Affairs

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## A BILL

To make technical corrections to laws relating to Native  
Americans, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Native American Technical Corrections Act of 2004”.

6       (b) TABLE OF CONTENTS.—The table of contents of  
7       this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definition of Secretary.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS  
RELATING TO NATIVE AMERICANS

Sec. 101. National Fund for Excellence in American Indian Education.

Sec. 102. Indian Financing Act Amendment.  
 Sec. 103. Exchanged Indian land.  
 Sec. 104. Indian tribal justice technical and legal assistance.  
 Sec. 105. Tribal justice systems.  
 Sec. 106. Authorization of 99-year leases for the Prairie Band of Potawatomi.  
 Sec. 107. Navajo healthcare contracting.  
 Sec. 108. Crow Tribal Trust Fund.  
 Sec. 109. Fallon Paiute-Shoshone Tribe Settlement Fund.  
 Sec. 110. ANCSA amendment.

## TITLE II—COWLITZ INDIAN TRIBE DISTRIBUTION OF JUDGMENT FUNDS ACT

Sec. 201. Cowlitz Indian Tribe Distribution of Judgment Funds Act.  
 Sec. 202. Definitions.  
 Sec. 203. Judgment distribution plan.  
 Sec. 204. Distribution and use of funds.

## TITLE III—ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.

Sec. 301. Short title.  
 Sec. 302. Findings and purpose.  
 Sec. 303. Definitions.  
 Sec. 304. Distribution of judgment funds.  
 Sec. 305. Applicable law.

## TITLE IV—UTU UTU GWAITU PAIUTE INDIAN LAND TRANSFER

Sec. 401. Transfer.

### 1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-  
 3 retary of the Interior.

## 4 **TITLE I—TECHNICAL AMEND-** 5 **MENTS AND OTHER PROVI-** 6 **SIONS RELATING TO NATIVE** 7 **AMERICANS**

### 8 **SEC. 101. NATIONAL FUND FOR EXCELLENCE IN AMERICAN** 9 **INDIAN EDUCATION.**

10 Title V of the Indian Self-Determination and Edu-  
 11 cation Assistance Act (25 U.S.C. 458bbb) is amended—

1 (1) by striking the title heading and inserting  
 2 the following:

3 **“TITLE V—NATIONAL FUND FOR**  
 4 **EXCELLENCE IN AMERICAN**  
 5 **INDIAN EDUCATION”;**

6 (2) in section 501 (25 U.S.C. 458bbb)—

7 (A) by striking the section heading and in-  
 8 serting the following:

9 **“SEC. 501. NATIONAL FUND FOR EXCELLENCE IN AMER-**  
 10 **ICAN INDIAN EDUCATION.”;**

11 and

12 (B) in subsection (a), by striking “the  
 13 American Indian Education Foundation” and  
 14 inserting “a foundation to be known as the ‘Na-  
 15 tional Fund for Excellence in American Indian  
 16 Education’ ”; and

17 (3) in section 503(2) (25 U.S.C. 458bbb–2(2)),  
 18 by striking “Foundation” the second place it ap-  
 19 pears and inserting “National Fund for Excellence  
 20 in American Indian Education”.

21 **SEC. 102. INDIAN FINANCING ACT AMENDMENT.**

22 (a) **LOAN GUARANTIES AND INSURANCE.**—Section  
 23 201 of the Indian Financing Act of 1974 (25 U.S.C.  
 24 1481) is amended—

1 (1) by striking “the Secretary is authorized (a)  
2 to guarantee” and inserting “the Secretary may—

3 “(1) guarantee”;

4 (2) by striking “members; and (b) in lieu of  
5 such guaranty, to insure” and inserting “members;  
6 or

7 “(2) to insure”;

8 (3) by striking “SEC. 201. In order” and insert-  
9 ing the following:

10 **“SEC. 201. LOAN GUARANTIES AND INSURANCE.**

11 “(a) IN GENERAL.—In order”; and

12 (4) by adding at the end the following:

13 “(b) ELIGIBLE BORROWERS.—The Secretary may  
14 guarantee or insure loans under subsection (a) to both for-  
15 profit and nonprofit borrowers.”.

16 (b) LOAN APPROVAL.—Section 204 of the Indian Fi-  
17 nancing Act of 1974 (25 U.S.C. 1484) is amended by  
18 striking “SEC. 204.” and inserting the following:

19 **“SEC. 204. LOAN APPROVAL.”.**

20 **SEC. 103. EXCHANGED INDIAN LAND.**

21 Notwithstanding any other provision of law, if—

22 (1) any portion of the Indian country (as de-  
23 fined in section 1151 of title 18, United States  
24 Code) under the jurisdiction of an Indian tribe was

1 subject to a government taking for a project that re-  
 2 ceived any funding under Public Law 85–500;

3 (2) the Indian tribe applies for land to be taken  
 4 into trust by the Federal Government; and

5 (3) the Secretary of the Interior accepts the  
 6 land into trust on behalf of the Indian tribe;

7 the land shall be deemed for all purposes to have been  
 8 acquired in trust as of the date of the taking.

9 **SEC. 104. INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL**  
 10 **ASSISTANCE.**

11 Sections 106 and 201(d) of the Indian Tribal Justice  
 12 Technical and Legal Assistance Act (25 U.S.C. 3666,  
 13 3681(d)) are amended by striking “for fiscal years 2000  
 14 through 2004” and inserting “for fiscal years 2004  
 15 through 2010”.

16 **SEC. 105. TRIBAL JUSTICE SYSTEMS.**

17 Subsections (a), (b), (c), and (d) of section 201 of  
 18 the Indian Tribal Justice Act (25 U.S.C. 3621) are  
 19 amended by striking “2007” and inserting “2010”.

20 **SEC. 106. AUTHORIZATION OF 99-YEAR LEASES FOR THE**  
 21 **PRAIRIE BAND OF POTAWATOMI.**

22 (a) IN GENERAL.—Subsection (a) of the first section  
 23 of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amend-  
 24 ed in the second sentence—

1           (1) by inserting “the reservation of the Prairie  
2       Band Potawatomi Nation Reservation,” after  
3       “Spanish Grant’),”; and

4           (2) by inserting “lands held in trust for the  
5       Prairie Band Potawatomi Nation,” before “lands  
6       held in trust for the Cherokee Nation of Oklahoma”.

7       (b) EFFECTIVE DATE.—The amendments made by  
8       subsection (a) apply to any lease entered into or renewed  
9       on or after the date of enactment of this Act.

10   **SEC. 107. NAVAJO HEALTHCARE CONTRACTING.**

11       Congress authorizes the Navajo Area Office of the In-  
12       dian Health Service to reprogram contract healthcare  
13       service dollars for the Navajo Health Foundation/Sage  
14       Memorial Hospital 638 contract.

15   **SEC. 108. CROW TRIBAL TRUST FUND.**

16       Section 6(d) of the Crow Boundary Settlement Act  
17       of 1994 (25 U.S.C. 1776d(d)), is amended—

18           (1) in the subsection heading, by inserting  
19       “AND CAPITAL GAINS” after “INTEREST”;

20           (2) in paragraph (1), by striking “Only” and  
21       inserting “Except as provided in paragraph (4),  
22       only”; and

23           (3) by adding at the end the following:

24           “(4) DISTRIBUTION OF CAPITAL GAINS.—Not-  
25       withstanding subsection (f) or any other provision of

1 law, capital gains and any other noninterest income  
 2 received on funds in the Crow Tribal Trust Fund  
 3 shall be available for distribution by the Secretary to  
 4 the Crow Tribe to the extent that the balance in the  
 5 Crow Tribal Trust Fund (including capital gains)  
 6 exceeds \$85,000,000, for the same uses and subject  
 7 to the same restrictions in paragraphs (1) and (3)  
 8 as are applicable to distributions of interest.”.

9 **SEC. 109. FALLON PAIUTE-SHOSHONE TRIBE SETTLEMENT**  
 10 **FUND.**

11 Section 102 of the Fallon Paiute Shoshone Indian  
 12 Tribes Water Rights Settlement Act of 1990 (104 Stat.  
 13 3289) is amended—

14 (1) In subsection (C)—

15 (A) in paragraph (1), by striking “The in-  
 16 come of the Fund may be obligated and ex-  
 17 pended only for the following purposes:” and in-  
 18 serting the following: “Notwithstanding any  
 19 conflicting provision in the original Fund plan  
 20 developed in consultation with the Secretary  
 21 under subsection (f), during fiscal year 2004  
 22 and each subsequent fiscal year, 6 percent of  
 23 the average quarterly market value of the Fund  
 24 during the immediately preceding 3 fiscal years  
 25 (referred to in this title as the ‘Annual 6 per-

1 cent Amount') may be expended or obligated  
 2 only for the purposes specified in subpara-  
 3 graphs (a) through (f) of this section. In addi-  
 4 tion, during each fiscal year subsequent to  
 5 Fund fiscal year 2004, any unexpended and un-  
 6 obligated portion of the Annual 6 percent  
 7 Amount from any of the 3 immediately pre-  
 8 ceding Fund fiscal years subsequent to fiscal  
 9 year 2003, not including any income that may  
 10 accrue on that portion may also be expended or  
 11 obligated only for the following purposes:"; and

12 (B) by striking paragraphs (2) through (4)  
 13 and inserting the following:

14 "(2) No monies from the Fund other than the  
 15 amounts authorized in subsection (C)(1) may be expended  
 16 or obligated for any purpose.

17 "(3) Notwithstanding any conflicting provision in the  
 18 original Fund plan, during fiscal year 2004 and each sub-  
 19 sequent fiscal year, not more than 20 percent of the An-  
 20 nual 6 percent Amount for the fiscal year (referred to in  
 21 this title as the 'Annual 1.2 percent Amount') may be ex-  
 22 pended or obligated under subsection (c)(1)(C) for per  
 23 capita distributions to tribal members, provided that dur-  
 24 ing each Fund fiscal year subsequent to fiscal year 2004,  
 25 any unexpended and unobligated portion of the Annual 1.2



1 percent Amount from any of the 3 immediately preceding  
 2 Fund fiscal years subsequent to fiscal year 2003, not in-  
 3 cluding any income that may accrue on that portion, may  
 4 also be expended or obligated for such per capita pay-  
 5 ments.”; and

6 (2) in subsection (D), by adding at the end the  
 7 following: “Notwithstanding any conflicting provi-  
 8 sion in the original Fund plan, the Fallon Business  
 9 Council, in consultation with the Secretary, shall  
 10 promptly amend the original plan for purposes of  
 11 conforming the plan to this title and making non-  
 12 substantive updates, improvements, or corrections to  
 13 the original plan.”.

14 **SEC. 110. ANCSA AMENDMENT.**

15 All land and interests in land in the State of Alaska  
 16 conveyed by the Federal Government under the Alaska  
 17 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)  
 18 to a Native Corporation and reconveyed by that Native  
 19 Corporation, or a successor in interest, in exchange for  
 20 any other land or interest in land in the State of Alaska  
 21 and located within the same region (as defined in section  
 22 9(a) of the Alaska Native Claims Settlement Act (43  
 23 U.S.C. 1608(a)), to a Native Corporation under an ex-  
 24 change or other conveyance, shall be deemed, notwith-

1 standing the conveyance or exchange, to have been con-  
 2 veyed pursuant to that Act.

3 **TITLE II—COWLITZ INDIAN**  
 4 **TRIBE DISTRIBUTION OF**  
 5 **JUDGMENT FUNDS ACT**

6 **SEC. 201. COWLITZ INDIAN TRIBE DISTRIBUTION OF JUDG-**  
 7 **MENT FUNDS ACT.**

8 This title shall be known as the “Cowlitz Indian Tribe  
 9 Distribution of Judgment Funds Act”.

10 **SEC. 202. DEFINITIONS.**

11 In this title:

12 (1) **CURRENT JUDGMENT FUND.**—The term  
 13 “current judgment fund” means the funds awarded  
 14 by the Indian Claims Commission Docket No. 218  
 15 and all interest accrued on the funds as of the date  
 16 of enactment of this Act.

17 (2) **INITIAL INTEREST.**—The term “initial in-  
 18 terest” means the interest on the funds awarded by  
 19 the Indian Claims Commission Docket No. 218 dur-  
 20 ing the time period from 1 year before the date of  
 21 enactment of this Act through the date of enactment  
 22 of this Act.

23 (3) **PRINCIPAL.**—The term “principal” means  
 24 the funds awarded by the Indian Claims Commission  
 25 Docket No. 218 and all interest accrued on the

1 funds as of 1 year before the date of enactment of  
2 this Act.

3 (4) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 (5) TRIBE.—The term “Tribe” means the  
6 Cowlitzq Indian Tribe of Washington, to which the  
7 Secretary extended Federal recognition on December  
8 31, 2001, under part 83 of title 25, Code of Federal  
9 Regulations.

10 (6) TRIBAL MEMBER.—The term “tribal mem-  
11 ber” means an individual who is an enrolled member  
12 of the Cowlitz Indian Tribe in accordance with tribal  
13 enrollment procedures and requirements.

14 (7) TRIBAL ELDER.—The term “tribal elder”  
15 means a tribal member who was 62 years of age or  
16 older as of February 14, 2000.

17 **SEC. 203. JUDGMENT DISTRIBUTION PLAN.**

18 Notwithstanding the Indian Tribal Judgment Funds  
19 Use or Distribution Act (25 U.S.C. 1401 et seq.), or any  
20 plan prepared or promulgated by the Secretary under that  
21 Act, the judgment funds awarded in Indian Claims Com-  
22 mission Docket No. 218 and interest accrued on those  
23 funds as of the date of enactment of this Act shall be dis-  
24 tributed and used in accordance with this title.

1 **SEC. 204. DISTRIBUTION AND USE OF FUNDS.**

2 (a) PRESERVATION OF PRINCIPAL AFTER ELDERLY  
3 ASSISTANCE AND TRIBAL ADMINISTRATION PAYMENTS.—

4 (1) IN GENERAL.—Except as provided in sub-  
5 section (b), the principal shall not be distributed  
6 under this title.

7 (2) DISBURSEMENTS.—The Secretary shall—

8 (A) maintain undistributed current judg-  
9 ment funds in an interest-bearing account in  
10 trust for the Tribe; and

11 (B) disburse principal or interest in ac-  
12 cordance with this title not later than 30 days  
13 after receipt by the Northwest Regional Direc-  
14 tor of the Bureau of Indian Affairs of a request  
15 by the Cowlitz Tribal Council for a disburse-  
16 ment of funds.

17 (b) ELDERLY ASSISTANCE PROGRAM.—

18 (1) SETASIDE.—From the current judgment  
19 fund, the Secretary shall set aside 20 percent for an  
20 elderly assistance payment.

21 (2) PAYMENTS.—The Secretary shall provide 1  
22 elderly assistance payment to each enrolled tribal  
23 elder not later than 30 days after all of the following  
24 have occurred:

25 (A) LIST OF ENROLLED MEMBERS.—The  
26 Cowlitz Tribal Council has compiled and re-

1 viewed for accuracy a list of all enrolled tribal  
2 members that are both a minimum of  $\frac{1}{16}$  Cow-  
3 litz blood and 62 years of age or older as of  
4 February 14, 2000.

5 (B) VERIFICATION.—The Secretary has  
6 verified the blood quantum and age of the tribal  
7 members identified on the list under subpara-  
8 graph (A).

9 (C) REQUEST FOR DISBURSEMENT.—The  
10 Cowlitz Tribal Council has made a request for  
11 disbursement of judgment funds for the elderly  
12 assistance payment.

13 (3) DEATH OF TRIBAL ELDER.—If a tribal  
14 elder eligible for an elderly assistance payment dies  
15 before receiving payment under this subsection, the  
16 funds that would have been paid to the tribal elder  
17 shall be added to and distributed in accordance with  
18 the emergency assistance program under subsection  
19 (c).

20 (4) COSTS.—The Secretary shall pay all costs  
21 of distribution under this subsection out of the  
22 amount set aside under paragraph (1).

23 (c) EMERGENCY ASSISTANCE PROGRAM.—

1           (1) SETASIDE.—From the principal, the Sec-  
 2       retary shall set aside 10 percent for an emergency  
 3       assistance program.

4           (2) DISTRIBUTION OF INTEREST.—Beginning  
 5       the second year after the date of enactment of this  
 6       Act, interest earned on the amount setaside—

7                   (A) shall be distributed annually in a lump  
 8       sum to the Cowlitz Tribal Council; and

9                   (B) shall be used to provide emergency as-  
 10      sistance for tribal members.

11          (3) AVAILABILITY OF INTEREST.—Of the initial  
 12      interest, 10 percent shall be available on the date of  
 13      enactment of this Act shall be used to fund the pro-  
 14      gram for the first year after the date of enactment  
 15      of this Act.

16          (d) EDUCATION, VOCATIONAL, AND CULTURAL  
 17      TRAINING PROGRAM.—

18           (1) SETASIDE.—From the principal, the Sec-  
 19      retary shall set aside 10 percent for an education,  
 20      vocational, and cultural training program.

21           (2) DISTRIBUTION OF INTEREST.—Beginning  
 22      the second year after the date of enactment of this  
 23      Act, interest earned on the amount setaside—

24                   (A) shall be distributed annually in a lump  
 25      sum to the Cowlitz Tribal Council; and

1 (B) shall be used to provide scholarships to  
 2 tribal members pursuing educational advance-  
 3 ment, including cultural and vocational train-  
 4 ing.

5 (3) AVAILABILITY OF INTEREST.—Of the initial  
 6 interest, 10 percent shall be available upon the date  
 7 of enactment of this Act to fund the program for the  
 8 first year after the date of enactment of this Act.

9 (e) HOUSING ASSISTANCE PROGRAM.—

10 (1) SETASIDE.—From the principal, the Sec-  
 11 retary shall set aside 5 percent for a housing assist-  
 12 ance program.

13 (2) DISTRIBUTION OF INTEREST.—Beginning  
 14 the second year after the date of enactment of this  
 15 Act, interest earned on the amount set aside—

16 (A) shall be disbursed annually in a lump  
 17 sum to the Cowlitz Tribal Council; and

18 (B) shall be—

19 (i) used as a supplement to any exist-  
 20 ing tribal housing improvements program;  
 21 or

22 (ii) used in a separate housing assist-  
 23 ance Program established by the Cowlitz  
 24 Tribal Council.

1           (3) AVAILABILITY OF INTEREST.—Of the initial  
 2           interest, 5 percent shall be available on the date of  
 3           enactment of this Act to fund the program for the  
 4           first year after the date of enactment of this Act.

5           (f) ECONOMIC DEVELOPMENT, TRIBAL, AND CUL-  
 6           TURAL CENTERS.—

7           (1) SETASIDE.—From the principal, the Sec-  
 8           retary shall set aside 21.5 percent—

9                   (A) for economic development; and

10                   (B) if other funding is not available or not  
 11                   adequate (as determined by the Tribe), for the  
 12                   construction and maintenance of tribal and cul-  
 13                   tural centers.

14           (2) DISTRIBUTION OF INTEREST.—Beginning  
 15           the second year after the date of enactment of this  
 16           Act, interest earned on the amount set aside—

17                   (A) shall be disbursed annually in a lump  
 18                   sum to the Cowlitz Tribal Council; and

19                   (B) shall be used for—

20                           (i) property acquisition for business or  
 21                           other activities that are likely to benefit  
 22                           the Tribe economically or provide employ-  
 23                           ment for tribal members;

24                           (ii) business development for the  
 25                           Tribe, including collateralization of loans



1 for the purchase or operation of busi-  
 2 nesses, matching funds for economic devel-  
 3 opment grants, joint venture partnerships,  
 4 and other similar ventures that are likely  
 5 to produce profits for the Tribe; and

6 (iii) design, construction, mainte-  
 7 nance, and operation of tribal centers and  
 8 cultural centers.

9 (3) LOAN REPAYMENT.—The principal and in-  
 10 terest of any business loan made under paragraph  
 11 (2) shall be repaid to the economic development pro-  
 12 gram for reinvestments, and business profits shall be  
 13 credited to the general fund of the Tribe for uses to  
 14 be determined by the Cowlitz Tribal Council.

15 (4) AVAILABILITY OF INTEREST.— 21.5 percent  
 16 of the initial interest available upon the date of en-  
 17 actment of this Act to fund the program for the first  
 18 year after the date of enactment of this Act.

19 (g) NATURAL RESOURCES.—

20 (1) SETASIDE.—From the principal, the Sec-  
 21 retary shall set aside 7.5 percent for natural re-  
 22 sources.

23 (2) DISTRIBUTION OF INTEREST.—Beginning  
 24 the second year after the date of enactment of this  
 25 Act, interest earned on the amount set aside—

1 (A) shall be disbursed annually in a lump  
 2 sum to the Cowlitz Tribal Council; and

3 (B) may be added to any existing tribal  
 4 natural resource program to enhance the use  
 5 and enjoyment by the Tribe of existing and re-  
 6 newable natural resources on tribal land.

7 (3) AVAILABILITY OF INTEREST.—7.5 percent  
 8 of the initial interest shall be available upon the date  
 9 of enactment of this Act to fund the program for the  
 10 first year after the date of enactment of this Act.

11 (h) CULTURAL RESOURCES.—

12 (1) SETASIDE.—From the principal, the Sec-  
 13 retary shall set aside 4 percent for cultural re-  
 14 sources.

15 (2) DISTRIBUTION OF INTEREST.—Beginning  
 16 the second year after the date of enactment of this  
 17 Act, interest earned on the amount set aside—

18 (A) shall be distributed annually in a lump  
 19 sum to the Cowlitz Tribal Council; and

20 (B) shall be used to—

21 (i) maintain artifacts;

22 (ii) collect documents; and

23 (iii) archive and identify cultural sites  
 24 of tribal significance.

1           (3) AVAILABILITY OR INTEREST.—Of the initial  
 2           interest, 4 percent shall be available on the date of  
 3           enactment of this Act to fund the program for the  
 4           first year after the date of enactment of this Act.

5           (i) HEALTH.—

6           (1) SETASIDE.—From the principal, the Sec-  
 7           retary shall set aside 21 percent for health.

8           (2) DISTRIBUTION OF INTEREST.—Beginning  
 9           the second year after the date of enactment of this  
 10          Act, interest earned on the amount set aside—

11                   (A) shall be disbursed annually in a lump  
 12                   sum to the Cowlitz Tribal Council; and

13                   (B) shall be used for the health needs of  
 14                   the Tribe.

15          (3) AVAILABILITY OF INTEREST.—21 percent of  
 16          the initial interest shall be available on the date of  
 17          enactment of this Act to fund the program for the  
 18          first year after the date of enactment of this Act.

19          (j) TRIBAL ADMINISTRATION PROGRAM.—

20           (1) SETASIDE.—From the principal, the Sec-  
 21           retary shall set aside 21 percent for tribal adminis-  
 22           tration.

23           (2) DISTRIBUTION OF INTEREST.—

24                   (A) INITIAL DISTRIBUTION.—Of the initial  
 25                   interest, 21 percent, and of the principal, the

1 difference between 21 percent of the initial in-  
2 terest and \$150,000, shall be set aside and im-  
3 mediately disbursed to the Tribe for the pur-  
4 poses of funding tribal administration for the  
5 first year after the date of enactment of this  
6 Act.

7 (B) SUBSEQUENT DISTRIBUTION.—Begin-  
8 ning the second year after the date of enact-  
9 ment of this Act, interest earned on the remain-  
10 ing principal set aside under this subsection  
11 shall be disbursed annually in a lump sum to  
12 pay the operating costs of the Cowlitz Tribal  
13 Council, including travel, telephone, cultural,  
14 and other expenses incurred in the conduct of  
15 the affairs of the Tribe and legal fees as ap-  
16 proved by the Cowlitz Tribal Council.

17 (k) GENERAL CONDITIONS.—

18 (1) IN GENERAL.—The conditions stated in this  
19 subsection apply to the management and use of all  
20 funds available under this title by the Cowlitz Tribal  
21 Council.

22 (2) ADMINISTRATIVE COSTS.—Not more than  
23 10 percent of the interest earned on the principal  
24 designated for the program under any subsection,  
25 except the programs under subsections (i) and (j),

1       may be used for the administrative costs of the pro-  
2       gram.

3               (3) NO SERVICE AREA.—

4                       (A) IN GENERAL.—No service area is im-  
5       plied or imposed under any program under this  
6       title.

7                       (B) MEMBERS OUTSIDE SERVICE AREA.—

8       If the costs of administering any program  
9       under this Act for the benefit of tribal members  
10      living outside the Tribe's Indian Health Service  
11      area are greater than 10 percent of the interest  
12      earned on the principal designated for that pro-  
13      gram, the Cowlitz Tribal Council may authorize  
14      the expenditure of such funds for that program.

15               (3) APPROVAL.—Before any expenditures, the  
16      Cowlitz Tribal Council shall approve all programs  
17      and shall publish in a publication of general circula-  
18      tion regulations that provide standards and priorities  
19      for programs under this title.

20               (4) APPLICABILITY OF OTHER LAW.—Section 7  
21      of the Indian Tribal Judgment Funds Use or Dis-  
22      tribution Act (25 U.S.C. 1407) shall apply to funds  
23      available under this title.

24               (5) APPEAL.—

1 (A) IN GENERAL.—Any tribal member who  
 2 believes that he or she has been unfairly denied  
 3 the right to take part in any program under  
 4 this title may appeal to the tribal secretary.

5 (B) RESOLUTION.—The tribal secretary  
 6 shall bring the appeal to the Cowlitz Tribal  
 7 Council for resolution.

8 (C) TIMELY RESPONSE.—The resolution  
 9 shall be made in a timely manner, and the trib-  
 10 al secretary shall respond to the tribal member.

# 11 **TITLE III—ASSINIBOINE AND** 12 **SIoux TRIBES OF THE FORT** 13 **PECK RESERVATION**

## 14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Assiniboine and Sioux  
 16 Tribes of the Fort Peck Reservation Judgment Fund Dis-  
 17 tribution Act of 2003”.

## 18 **SEC. 302. FINDINGS.**

19 Congress finds that—

20 (1) on December 18, 1987, the Assiniboine and  
 21 Sioux Tribes of the Fort Peck Reservation and 5 in-  
 22 dividual Fort Peck tribal members filed a complaint  
 23 in the United States Claims Court (currently the  
 24 Court of Federal Claims) in the case of Assiniboine  
 25 and Sioux Tribes of the Fort Peck Reservation v.

1 United States of America, Docket No. 773–87–L, to  
2 recover interest earned on trust funds while those  
3 funds were held in special deposit accounts and In-  
4 dian Moneys–Proceeds of Labor accounts;

5 (2) the Court held that the United States was  
6 liable for any income derived from investment of the  
7 trust funds of the Tribe and individual members of  
8 the Tribe for the period during which those funds  
9 were held in special deposit accounts and Indian  
10 Moneys–Proceeds of Labor accounts;

11 (3) on December 31, 1998, the plaintiffs en-  
12 tered into a settlement with the United States for  
13 claims made in the case for payment by the United  
14 States of—

15 (A) \$1,339,415.33, representing interest  
16 earned on funds while held in special deposit  
17 accounts at the Fort Peck Agency during the  
18 period August 13, 1946, through September 30,  
19 1981;

20 (B) \$2,749,354.41, representing—

21 (i) interest on the principal indebted-  
22 ness for the period from August 13, 1946,  
23 through July 31, 1998; plus

24 (ii) \$364.27 in per diem interest on  
25 the principal indebtedness for each day

1           during the period commencing August 1,  
2           1998, and ending on the date on which the  
3           judgment is paid; and

4           (C) \$350,000, representing the litigation  
5           costs and attorney's fees that the Tribe in-  
6           curred to prosecute the claims;

7           (4) the terms of the settlement were approved  
8           by the Court on January 8, 1999, and judgment was  
9           entered on January 12, 1999;

10          (5) on March 18, 1999, \$4,522,551.84 was  
11          transferred to the Department of the Interior;

12          (6) that judgment amount was deposited in an  
13          escrow account established to provide—

14               (A) \$350,000 for the payment of attor-  
15               ney's fees and expenses; and

16               (B) \$4,172,551.84 for pending Court-or-  
17               dered distribution to the Tribe and individual  
18               Indian trust beneficiaries;

19          (7) on January 31, 2001, the Court approved  
20          a joint stipulation that established procedures for—

21               (A) identification of the class of individual  
22               Indians having an interest in the judgment;

23               (B) notice to and certification of that  
24               class; and



1 (C) the distribution of the judgment  
2 amount to the Tribe and affected class of indi-  
3 vidual Indians;

4 (8)(A) on or about February 14, 2001, in ac-  
5 cordance with the Court-approved stipulation,  
6 \$643,186.73 was transferred to an account estab-  
7 lished by the Secretary for the benefit of the Tribe;  
8 and

9 (B) that transferred amount represents—

10 (i) 54.2 percent of the Tribe's estimated  
11 26-percent share of the amount referred to in  
12 paragraph (6)(B); plus

13 (ii) 50 percent of the Tribe's estimated 26-  
14 percent share of interest and capital gains  
15 earned on the judgment amount from the pe-  
16 riod beginning March 18, 1999, and ending on  
17 December 31, 2000;

18 (9) under the Court-approved stipulation—

19 (A) that transferred amount is to remain  
20 available for use by the Tribe in accordance  
21 with a plan adopted under the Indian Tribal  
22 Judgment Funds Use or Distribution Act (25  
23 U.S.C. 1401 et seq.);

24 (B) the Tribe will most likely receive addi-  
25 tional payments from the distribution amount

1           once the identification of all individuals eligible  
2           to share in the distribution amount is completed  
3           and the pro rata shares are calculated; and

4           (C) those additional payments would in-  
5           clude—

6                   (i) the balance of the share of the  
7                   Tribe of the distribution amount and in-  
8                   vestment income earned on the distribution  
9                   amount;

10                   (ii) the portion of the distribution  
11                   amount that represents income derived on  
12                   funds in special deposit accounts that are  
13                   not attributable to the Tribe or any indi-  
14                   vidual Indian; and

15                   (iii) the portion of the distribution  
16                   amount that represents shares attributable  
17                   to individual Indians that—

18                           (I) cannot be located for pur-  
19                           poses of accepting payment; and

20                           (II) will not be bound by the  
21                           judgment in the case referred to in  
22                           paragraph (1); and

23           (10) under the Indian Tribal Judgment Funds  
24           Use or Distribution Act (25 U.S.C. 1401 et seq.),  
25           the Secretary is required to submit to Congress for

1 approval an Indian judgment fund use or distribu-  
2 tion plan.

3 **SEC. 303. DEFINITIONS.**

4 In this title:

5 (1) COURT.—The term “Court” means the  
6 Court of Federal Claims.

7 (2) DISTRIBUTION AMOUNT.—The term “dis-  
8 tribution amount” means the amount referred to in  
9 section 302(6)(B).

10 (3) JUDGMENT AMOUNT.—The term “judgment  
11 amount” means the amount referred to in section  
12 302(5).

13 (4) PRINCIPAL INDEBTEDNESS.—The term  
14 “principal indebtedness” means the amount referred  
15 to in section 302(3)(A).

16 (5) TRIBE.—The term “Tribe” means the As-  
17 siniboine and Sioux Tribes of the Fort Peck Res-  
18 ervation.

19 **SEC. 304. DISTRIBUTION OF JUDGMENT FUNDS.**

20 (a) IN GENERAL.—Notwithstanding any provision of  
21 the Indian Tribal Judgment Funds Use or Distribution  
22 Act (25 U.S.C. 1401 et seq.), the share of the Tribe of  
23 the distribution amount, and such additional amounts as  
24 may be awarded to the Tribe by the Court with respect

1 to the case referred to in section 302(1) (including any  
2 interest accrued on those amounts)—

3 (1) shall be made available for tribal health,  
4 education, housing, and social services programs of  
5 the Tribe, including—

6 (A) educational and youth programs;

7 (B) programs for improvement of facilities  
8 and housing;

9 (C) programs to provide equipment for  
10 public utilities;

11 (D) programs to provide medical assistance  
12 or dental, optical, or convalescent equipment;  
13 and

14 (E) programs to provide senior citizen and  
15 community services; and

16 (2) shall not be available for per capita dis-  
17 tribution to any member of the Tribe.

18 (b) BUDGET SPECIFICATION.—The specific programs  
19 for which funds are made available under subsection  
20 (a)(1), and the amount of funds allocated to each of those  
21 programs, shall be specified in an annual budget developed  
22 by the Tribe and approved by the Secretary.

23 **SEC. 305. APPLICABLE LAW.**

24 Except as provided in section 304(a), all funds dis-  
25 tributed under this title are subject to sections 7 and 8

1 of the Indian Tribal Judgment Funds Use or Distribution  
 2 Act (25 U.S.C. 1407, 1408).

3 **TITLE IV—UTU UTU GWAITU**  
 4 **PAIUTE INDIAN LAND TRANSFER**

5 **SEC. 401. TRANSFER.**

6 Section 902(b) of the California Indian Land Trans-  
 7 fer Act (114 Stat. 2921) is amended—

8 (1) by striking “3,525.8” and inserting  
 9 “3,765.8”; and

10 (2) by adding at the end the following:

11 “(9) UTU UTU GWAITU PAIUTE TRIBE.—Lands  
 12 to be held in trust for the Utu Utu Gwaitu Paiute  
 13 Tribe, Benton Paiute Reservation are comprised of  
 14 approximately 240 acres described as follows:

15 “Mount Diablo Base and Meridian

16 “Township 2 South, Range 31 East

17 “Section 11:

18 “SE<sup>1</sup>/<sub>2</sub> and E<sup>1</sup>/<sub>2</sub> of SW<sup>1</sup>/<sub>4</sub>.”.

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